

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

LEO F. WAGNER, JR., et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 1:07cv969-LTS-MTP

METROPOLITAN PROPERTY AND
CASUALTY INSURANCE COMPANY, et al.

DEFENDANTS

ORDER DENYING MOTION FOR JOINDER

This matter is before the court on the Plaintiff's Motion for Joinder [101], and the court having considered the motion and the response thereto finds that the motion should be denied.

As an initial matter, the motion is untimely. Pursuant to the case management order entered in this matter, motions to join parties or amend pleadings were to be filed on or before October 31, 2007. The instant motion was filed on April 1, 2008, or six months after the deadline for such motions and upon the expiration of the discovery deadline. Plaintiffs do not set forth any good cause for this delay. Indeed, inasmuch as plaintiffs received insurance proceeds from Fidelity National Insurance Company ("Fidelity") months ago, plaintiffs have long been aware of Fidelity's purported interest in this matter.

Notwithstanding the untimeliness of the motion, the court finds that Fidelity's joinder is not required under rule 19 of the Federal Rules of Civil Procedure. Complete relief may be accorded the parties as presently situated and Fidelity has not claimed or asserted an interest in this matter. See Fed. R. Civ. P. 19 (a)(1).

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Motion for Joinder be, and hereby is, denied

SO ORDERED AND ADJUDGED this the 14th day of May, 2008.

s/ Michael T. Parker

United States Magistrate Judge